

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Title V  
AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** ATOFINA Chemicals, Inc.  
**Mailing Address:** 4444, Industrial Parkway, P.O. BOX 187  
Calvert City, KY 42029

**Source Name:** Same as above  
**Mailing Address:** Same as above

**Source Location:** Kentucky Highway 1523, approximately one mile west of  
the intersection of KY-1523 and KY-95, within the Calvert  
City limits

**Permit Number:** VF-02-004 (Revision 1)  
**Log Number:** 54788, 55814  
**Review Type:** PSD, Construction/Operating  
**Source ID #:** 21-157-00007

**Regional Office** Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003-0823

**County:** Marshall

**Application**  
**Complete Date:** October 17, 2002  
**Issuance Date:** December 30, 2002  
**Revision Date:** December 5, 2003  
**Expiration Date:** December 30, 2007

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**John S. Lyons, Director  
Division for Air Quality**

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Rev #	Permit type	Log #	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	54788	10/17/02	12/30/02	
1	Significant revision	55814	08/12/03	12/05/03	Increase container filling and transloading, and add refrigerant dryers.

**SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE**

**REGULATIONS, AND OPERATING CONDITIONS**

<b>I-STEPS GROUP</b>	<b>Process Unit</b>	<b>Name and Description</b>
PKA	01	<b><i>Cynar Cylinder Evacuation</i></b> Installed in 1964; Recommissioned in 2002 Sixteen stations; Controls: vapor recovery system
	02	<b><i>Cynar Cylinder Filling</i></b> Installed in 1964; Recommissioned in 2002 Sixteen stations; Controls: vapor recovery system
PKB	01	<b><i>Standard Cylinder Evacuation</i></b> Installed in 1964; Recommissioned in 2002 Four stations; Controls: vapor recovery system
	02	<b><i>Standard Cylinder Filling</i></b> Installed in 1964; Recommissioned in 2002 Four stations; Controls: vapor recovery system
PKC	01	<b><i>Ton/half-ton Cylinder Evacuation</i></b> Installed in 1964; Recommissioned in 2002 Three stations; Controls: vapor recovery system
	02	<b><i>Ton/ half-ton Cylinder Filling</i></b> Installed in 1964; Recommissioned in 2002 Three stations; Controls: vapor recovery system
PKD	01	<b><i>Reclaim Evacuation of cylinders</i></b> Installed in 1964; Recommissioned in 2002 Controls: None

**APPLICABLE REGULATIONS:**

401 KAR 51:017 (40 CFR 52.21), *Prevention of Significant Deterioration of air quality.*

401 KAR 63:020, Potentially Hazardous Matter or Toxic Substances.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Note:** "ATOFINA has to phase-out the refrigerants addressed in 40 CFR 82 - Protection of Stratospheric Ozone."

**1. Operating Limitations:**

**BACT Limit:**

- (a) The source shall route ODS emissions from cylinder evacuation and filling to the vapor recovery system.
- (b) Equipment, which has been isolated from the process and has been depressurized may be opened or vented to the atmosphere so long as the total volume of containers evacuated does not exceed 83,130 ft<sup>3</sup> in any consecutive 12-month period.
- (c) The vent valve on the vapor recovery system shall be closed except for occasional brief periods when non-condensable material is being vented from the recovery system. During these periods, the vapor recovery system shall be operated in accordance with the Standard Operating Procedure for Vapor Recovery System Vent Valve Openings required to be submitted under Specific Reporting Requirements. [401 KAR 51:017]

**Compliance Demonstration Method:**

- (a) Compliance shall be demonstrated by keeping records of the number of containers evacuated and filled each month, along with the total volume of containers evacuated each month.
- (b) The source shall keep the record of the events when the emissions from the cylinder evacuation and filling are not vented to the vapor recovery system.

**2. Emission Limitations:**

Total ODS emissions from cylinder evacuation and filling shall not exceed 12.2 tons/yr.

**Compliance Demonstration Method:**

- (a) The compliance with the above limit shall be based on the 12 month rolling total.
- (b) Monthly emissions of ODS shall be calculated and shall be used to comply with annual limit.
- (c) For Cylinder Evacuation:  
Compliance is demonstrated by tracking the total number of the cylinders evacuated each month, and using the following equations to calculate emissions:

$$E = (V_{\text{Total}} \times 0.263)/2000$$

$$V_{\text{Total}} = \sum N_i V_i$$

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

Where:

$V_{\text{Total}}$  = the total volume evacuated from the cylinder ( $\text{ft}^3/\text{month}$ )

$E$  = the total emissions from the evacuation ( $\text{ton/month}$ )

$N_i$  = total number of cylinders evacuated per month, for each type of container

$V_i$  = internal volume of each type of container ( $\text{ft}^3$ )

(d) For Cylinder Filling

Compliance is demonstrated by tracking the total number of the containers loaded each month, and using the following equation to calculate emissions:

$$E = \sum [(N_i \times D_i \cdot \text{loss}) / 2000]$$

Where:

$E$  = the total emissions from the filling ( $\text{ton/month}$ )

$N_i$  = total number of containers filled per month, for each type of container

$D_i \cdot \text{loss}$  = Disconnect Loss (in  $\text{lb./container}$ ), for each type of container

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The Specific Recordkeeping Requirements listed below dictate the monitoring requirements.

5. Specific Recordkeeping Requirements:

(a) Retain record of the number of cylinders evacuated and filled each month, the total volume of the cylinders evacuated each month, and the calculated monthly evacuation and filling emissions.

(b) For each shift during which evacuation operations occur, the following information shall be recorded:

- i. Valve position (or controller output signal) of the vent valve on the vapor recovery system.

If the valve is found open when the recording is made, the permittee shall record the following additional information:

- ii. Whether the vapor recovery system was operating in accordance with the Standard Operating Procedure for Vapor Recovery System Vent Valve Openings.
- iii. The cause of any improper operation.
- iv. Any corrective actions taken.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

(c) Retain a copy of the current Standard Operating Procedure for Vapor Recovery System Vent Valve Openings.

6. **Specific Reporting Requirements:**

Within 90 days following issuance of the final permit, the permittee shall submit to the division a Standard Operating Procedure for Vapor Recovery System Vent Valve Openings (The permittee's submittal following the issuance of the December 30, 2002 permit (VF-02-004) shall suffice to meet this reporting requirement).

7. **Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<b>I-STEPS GROUP</b>	<b>Process Unit</b>	<b>Name and Description</b>
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- A33      01 - 04      ***Forane Railcar Docks***  
*Eight Forane Railcar Docks*  
#1 Forane / HCL railcar dock  
#2 Forane / HCL railcar dock  
#3 Forane railcar dock  
#4 Forane railcar dock  
#7 Forane railcar dock  
#8 Forane railcar dock  
#9 Forane railcar dock  
#10 Forane railcar dock  
Rated Capacity: 2 Forane railcars/day each dock or 3 HCL railcars/day each dock  
Date Commenced: 1981  
Controls for R-22 transloading to railcars: vapor recovery system with 90% efficiency.
- A34      01 - 07      ***Forane Tank Truck Docks***  
Forane tank truck scale dock #1  
Forane tank truck off-scale dock  
Forane tank truck dock  
Rated Capacity: 8 to 12 tank trucks/ day (dependent on the material)  
Date Commenced: 1981, modified 2002 - 2003  
Controls for R-22 transloading, blend 408a, and blend 409a loading to tank trucks: vapor recovery system with 90% efficiency.
- Other materials are also loaded at the tank truck docks. However, this permit addresses only those materials listed in the Operating Limitations section, below.
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**Note: These emission units (A33 and A34) are new designations for emission units A30, and A31 in permit F-00-021 (Revision 1). The conditions in this permit for emission units A33 and A34 subsume the permit conditions listed for emission units A30 and A31 in permit F-00-021 (Revision 1) issued March 18, 2002.**



## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **APPLICABLE REGULATIONS:**

401 KAR 51:017 (40 CFR 52.21), *Prevention of Significant Deterioration of air quality.*

401 KAR 63:020, Potentially Hazardous Matter or Toxic Substances.

#### **1. Operating Limitations:**

##### **BACT Limit:**

- (a) The source shall route ODS emissions from pure R-22 transloading into rail cars and tank trucks, to the vapor recovery system.
- (b) The throughputs of the following refrigerants through the Forane railcar and tank truck docks (emissions units A33 and A34) shall not exceed the following for any consecutive 12- month period.

- (i) R-22 transloading of pure R-22 into bulk containers: 18 million lbs./yr.
- (ii) F-124 receiving 0.5 million lbs./yr.
- (iii) Blend F-408a loading 1 million lbs./yr.
- (iv) Blend F-409a loading 1.3 million lbs./yr.

##### **Compliance Demonstration Method:**

- (a) Compliance will be demonstrated by recording the amount of each of the above refrigerants loaded and unloaded each month, and performing monthly calculations of the totals for the previous 12-month period.
- (b) The source shall keep the record of the events when the emissions from the R-22 transloading are not vented to the vapor recovery system.

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Specific Monitoring Requirements:**

The Specific Recordkeeping Requirements listed below dictate the monitoring requirements.

#### **5. Specific Recordkeeping Requirements:**

- (a) Retain records of the amount of refrigerants loaded and unloaded each month.
- (b) For each shift during which R-22 transloading operations occur, the following information shall be recorded:
  - i. Valve position (or controller output signal) of the vent valve on the vapor recovery system.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

If the valve is found open when the recording is made, the permittee shall record the following additional information:

- ii. Whether the vapor recovery system was operating in accordance with the Standard Operating Procedure for Vapor Recovery System Vent Valve Openings.
  - iii. The cause of any improper operation.
  - iv. Any corrective actions taken.
- (c) Retain a copy of the current Standard Operating Procedure for Vapor Recovery System Vent Valve Openings. [401 KAR 51:017].

**6. Specific Reporting Requirements:**

Within 90 days following issuance of the final permit, the permittee shall submit to the division a Standard Operating Procedure for Vapor Recovery System Vent Valve Openings. (The permittee's submittal following the issuance of the December 30, 2002 permit (VF-02-004) shall suffice to meet this reporting requirement).

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<b>I-STEPS GROUP</b>	<b>Process Unit</b>	<b>Name and Description</b>
PKE	01	<i>Package Area Fugitive Emissions</i> Valve, pump Seals, connectors/ flanges, compressors Controls: None Control Efficiency (leak detection and repair): 60 % approximately

**Note: This emission unit (PKE) is a new designation for emission unit A32 in permit F-00-021 (Revision 1). The conditions in this permit for emission unit PKE subsume the permit conditions listed for emission unit A32 in permit F-00-021 (Revision 1) issued March 18, 2002.**

**APPLICABLE REGULATIONS:**

401 KAR 51:017 (40 CFR 52.21), *Prevention of Significant Deterioration of air quality.*

401 KAR 63:020, *Potentially Hazardous Matter or Toxic Substances.*

**REGULATION NOT APPLICABLE**

401 KAR 61:175 does not apply to this emission point. However, 401 KAR 61:175 was used to set up BACT for the ODS emissions. For the purposes of this permit, references in 401 KAR 61:175 to VOC shall be interpreted as applicable to ODS.

**1. Operating Limitations:**  
**BACT Limit:**

- (a) The source shall implement a Leak Detection and Repair (LDAR) program to detect and repair equipment leaks with quarterly monitoring. The permittee shall comply with state regulation 401 KAR 61:175, which shall be the BACT requirement for fugitives.
- (b) When a leak is detected as specified in 401 KAR 61:175 Section 3 (1), the procedures described in 401 KAR 61:175, Section 4 (3) shall be followed to identify and repair the leaking piece.

**Compliance Demonstration Method:**

- (a) Compliance with 401 KAR 61:175 shall be determined by the review of the records conducting monitoring as specified in 401 KAR 61:175, Section 4 (1) and (2), review of performance tests, and by inspections.
- (b) The source shall keep the record of any occurrence when the emissions from the valves, pump seals connectors are not monitored quarterly.

**2. Emission Limitations:**  
None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

- (a) The permittee shall comply with 61:175, Section 5 as part of the testing requirement.
- (b) The alternative screening method specified in Method 21 section 8.3.3 (soap solution screening) shall be an acceptable alternative monitoring method for the purpose of a component recheck after a repair has been made or monitoring to confirm the discovery of a leak.

**4. Specific Monitoring Requirements:**

- (a) The permittee shall monitor and repair pumps, valves, flanges, and compressor seals for possible leaks of ODS as specified in 401 KAR 61:175, Section 4 (1) and (2).
- (b) Noting valves in gas service as required in 401 KAR 61:175 Section 4 (2) shall be satisfied by the maintenance of such information in a Fugitive Emissions Management System database available to the operator performing the monitoring and to the cabinet.
- (c) In the lieu of initial monitoring of a component whose sight, smell, or sound indicates that it might be leaking as described in 401 KAR Section 61:175 4(1)(d), the permittee can instead assume that such a component is leaking, repair the leak within five days, and monitor with a portable detection device within 15 days to confirm the effectiveness of the repair.
- (d) Monitoring of pressure relief valves as described in 401 KAR 61:175 Section 4(1)(c) is required within 15 days after it has vented to the atmosphere.

**5. Specific Recordkeeping Requirements:**

- (a) Retain records of the piping components monitored, any leaks detected, and repair status, in accordance with the 401 KAR 61:175 Section 4 (3), at a readily accessible plant site.
- (b) See the specific monitoring requirements above.
- (c) The use of a Fugitive Emissions Management System database satisfies the 401 KAR 61:175 Section 4(3) requirement of a "survey log" and all components may be assumed to contain 100% ODS rather than logging the actual stream composition.

**6. Specific Reporting Requirements:**

The permittee shall meet the reporting requirements as specified in 401 KAR 61:175, Section 4 (4), with the exception that leaks that cannot be repaired within fifteen (15) days shall be repaired before the end of the next turnaround.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE**

**REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<b>I-STEPS GROUP</b>	<b>Process Unit</b>	<b>Name and Description</b>
A35	01	<p><b><i>R-22, F-408a, and F-409a Dryers Desiccant Change-out</i></b>  (Emissions from changing desiccant in product dryers)  Date Commenced: 2003  Controls: Vapor Recovery System</p> <p>Note: The plant has other existing product dryers. This process unit is limited to the new R-22, F-408a, and F-409a dryers only.</p>

**APPLICABLE REGULATIONS:**

401 KAR 51:017 (40 CFR 52.21), *Prevention of Significant Deterioration of air quality.*

401 KAR 63:020, *Potentially Hazardous Matter or Toxic Substances.*

**1. Operating Limitations:****BACT Limit:**

- (a) The source shall route ODS emissions from depressurizing the above refrigerant dryers to the vapor recovery system.
- (b) Equipment that has been isolated from the process and has been depressurized may be opened or vented to the atmosphere.

**Compliance Demonstration Method:**

The source shall record the events when the above refrigerant dryers are not depressurized to the vapor recovery system.

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The Specific Recordkeeping Requirements listed below dictate the monitoring requirements.

**5. Specific Recordkeeping Requirements:**

Retain records of events when the above refrigerant dryers are not depressurized to the vapor recovery system.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

6. **Specific Reporting Requirements:**

The permittee shall submit a report as specified in condition F.7. or F.8. of this permit, as applicable, concerning events when the above refrigerant dryers are not depressurized to the vapor recovery system.

7. **Specific Control Equipment Operating Conditions:**

None

**SECTION C – INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<b>Insignificant Activities</b>			
<b>Description</b>	<b>Capacity</b>	<b>Date Commenced</b>	<b>Generally Applicable Regulations</b>
Cylinder Labeling	--	--	None
Ton/half-ton cylinder painting (by hand with rollers)	--	--	None
Cylinder Oil Reclaim	--	--	None
Refrigerant gas pressurized storage tanks	--	--	None
Cylinder Shot Blaster	--	--	59:010

## **SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. ODS emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.



## **SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation. [Section 1b (V )1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, and
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING  
REQUIREMENTS (CONTINUED)**

**Division for Air Quality  
Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003**

**U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960**

**Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601**

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

## **SECTION G - GENERAL CONDITIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of a permit shall be considered compliance with:
- a. Applicable requirements that are included and specifically identified in the permit and
  - b. Non-applicable requirements expressly identified in this permit.

**(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:020 Section 8(2)]

**(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

**(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission point A35, in accordance with the terms and conditions of this permit.

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
    - a. The date when construction commenced.
    - b. The date of start-up of the affected facilities listed in this permit.
    - c. The date when the maximum production rate specified in the permit application was achieved.
  3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the cabinet may extend these time periods if the source shows good cause.
  4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the cabinet.
  5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.
  6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
- (e) Acid Rain Program Requirements
- If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

- (f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations are exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source from other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:020, Section 24(3)]
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020, Section 24(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center**  
**P.O. Box 3346**  
**Merrifield, VA, 22116-3346**

2. If requested, submit additional relevant information to the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:



**SECTION G - GENERAL CONDITIONS (CONTINUED)**

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None